

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

Group Art Unit: 8964

Rieping *et al.*Confirmation Number: 1652 **RECEIVED  
CENTRAL FAX CENTER**

Appln. No.: 09/963,668

Examiner: D. Ramirez

DEC 13 2004

Filed: September 27, 2001

Title: Fermentation Process for the Preparation of L-Amino Acids Using Strains of the Family Enterobacteriaceae

December 13, 2004

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**DECLARATION OF BIOLOGICAL DEPOSIT  
IN COMPLIANCE WITH THE BUDAPEST TREATY**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Thomas A. Cawley, Jr., hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of Degussa Ag, the assignee of the application.

2. Degussa AG is the assignee of the above-identified patent application as evidenced by an assignment from the inventors was recorded in the U.S. Patent and Trademark Office on December 21, 2001, at Reel No. 012487, Frame No. 0468.

3. The following, described throughout the specification of the above-identified application, were deposited with the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ) Mascheroder Weg 1B, D-3300 Braunschweig, Germany (DSMZ

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= German Collection of Microorganisms and Cell Cultures, Braunschweig, Germany) under the terms of the Budapest Treaty:

*Escherichia coli* K-12 stain MG442 $\Delta$ pckA having DSM Accession No. 13761, deposited on October 2, 2000.

*Escherichia coli* K-12 B-3996kur $\Delta$ tdh $\Delta$ pckA/pVIC40 having DSM Accession No. 14150, deposited on March 9, 2001.

4. DSM is a depository in accordance with the Budapest Treaty for the above-deposited cultures. Should the cells mutate, become non-viable, non-functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

5. The deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the cell lines will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made

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are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Degussa-AG

By



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